

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code
2 relating to the Personnel System by amending Section 2.76.153, Compensation, Merit Pay
3 Plan, Shift Differential; Section 2.76.200 Compensation Plan, Temporary Assignment in a
4 Higher Classification; Section 2.76.308 Sick Leave With Pay; and Section 2.76.475, Grievance
5 Procedure, to reflect negotiated changes and changes applicable to employees not represented
6 by a bargaining unit; and repealing Sections 2.76.153, 2.76.200, 2.76.380, and 2.76.475 of
7 the Lincoln Municipal Code as hitherto existing.

8 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

9 Section 1. That Section 2.76.153 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **2.76.153 Compensation Plan; Merit Pay Plan; Shift Differential.**

12 Probationary and regular employees in pay ranges prefixed by "N" or "X" who are
13 regularly assigned to second and third shifts shall be paid an additional twenty cents per hour
14 for second shift and thirty cents per hour for third shift. The differential pay per hour shall be
15 included as an addition to their current hourly rate. To be entitled to second shift differential
16 pay, an employee must work a majority of his regularly scheduled shift hours between 5:00
17 p.m. and 11:59 p.m. To be entitled to third shift differential pay, an employee must work a
18 majority of his regularly scheduled shift hours between 11:59 p.m. and 9:00 a.m. Current
19 hourly rate shall mean the hourly rate of pay which is applicable to the employee's regularly

1 assigned job classification; provided, however, that if an employee is entitled to out-of-class
2 pay, the employee's current hourly rate shall be the applicable out-of-class hourly rate of pay.

3 Probationary and regular employees in pay ranges prefixed by "C" who are regularly
4 assigned to second and third shifts shall be paid an additional thirty cents per hour for second
5 shift and thirty-five cents per hour for third shift. The differential pay per hour shall be
6 included as an addition to their current hourly rate. To be entitled to second shift differential
7 pay, an employee must work a majority of his regularly scheduled shift hours between 5:00
8 p.m. and 11:59 p.m. To be entitled to third shift differential pay, an employee must work a
9 majority of his regularly scheduled shift hours between 11:59 p.m. and 9:00 a.m.

10 Employees who are entitled to shift differential pay shall also receive the shift
11 differential pay in addition to their current hourly rate for paid leaves of absence such as
12 vacation, sick leave, holiday pay, and funeral leave. For the purpose of computing overtime
13 pay, an employee's "regular hourly rate", as defined by the Fair Labor Standards Act, shall
14 include the additional twenty, ~~or thirty,~~ or thirty-five cents per hour shift differential.

15 Section 2. That Section 2.76.200 of the Lincoln Municipal Code be amended
16 to read as follows:

17 **2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification.**

18 (a) Any regular employee in a pay range prefixed by "C" or "E" who is assigned
19 temporarily assigned to work in a ~~permanent~~ budgeted position in a class with a higher
20 maximum salary then the maximum salary of such employee's regularly assigned class and
21 who actually works ~~a minimum of three~~ or less consecutive work days in the higher
22 classification ~~in any bi-weekly pay period~~ shall be compensated at the minimum rate

1 established for the higher class or at the employee's current rate of pay, whichever is greater,
2 for each consecutive eight hours or more of work performed during any regularly assigned
3 work shift served in the higher class. If an employee works more than the three ~~day minimum~~
4 consecutive work days, that employee shall be compensated for all the time worked in the
5 higher classification. ~~For the purpose of determining temporary assignment, each payroll~~
6 ~~period shall be considered separately. In the event that the minimum salary of the higher~~
7 ~~classification is not at least five percent above the employee's current salary, said employee~~
8 ~~working in a higher classification for the required time shall be paid for that temporary~~
9 ~~assignment at the rate of five percent above his current base salary. The employee who is~~
10 ~~temporarily assigned to serve, and actually does serve in a higher level position, must have~~
11 ~~served a thirty-day orientation period for the job in the higher level position prior to the~~
12 ~~assumption of that higher level position, and be fully qualified to perform and must actually~~
13 ~~perform the full range of duties of the higher level position in order to be eligible for the~~
14 ~~additional compensation herein provided. Such employee will be compensated at the~~
15 minimum rate established for the higher class, or at the rate of five percent above the
16 employee's current rate of pay, whichever is greater.

17 (b) Any regular employee, in a pay range prefixed by "X" who is temporarily
18 assigned to work in a permanent position in a class with a higher maximum salary than the
19 maximum salary of such employee's regularly assigned class and who actually works a
20 minimum of eight or more consecutive hours in the higher classification shall receive at least
21 a step increase in pay for the original eight consecutive hours worked plus any additional
22 consecutive hours worked in the higher classification. The employee who is temporarily

1 assigned to serve, and actually does serve in a higher level position, must be fully qualified
2 to perform the full range of duties of the higher level position, even though he may not
3 actually perform the full range of duties during the time he is temporarily assigned to the
4 higher classification. In the event an employee is temporarily assigned to a higher
5 classification and requests and receives approval for paid leave, such paid leave shall be
6 compensated at the employee's rate of pay prior to being temporarily assigned to the higher
7 classification.

8 (c) Project Leader. When an employee is required to perform duties outside of his
9 or her normal job duties due to special or unusual circumstances, a department head or his
10 or her designated representative may appoint such employee to serve as a project leader. The
11 appointment shall last no longer than the length of the project, or for one year, whichever is
12 less. If an employee with a pay range prefixed by "A", "C", "E" or "M" is appointed as a
13 project leader they shall receive an increase in compensation of up to ten percent while in the
14 status of project leader. The appointment must be approved by the Director in whatever form
15 he or she may require.

16 (d) Crew Leader. A department head or his or her designated representative may
17 appoint any employee to serve as crew leader. The appointment shall be for the purpose of
18 performing duties outside of his or her normal job duties as they relate to a special project
19 assignment or performing duties outside of his or her normal job duties for the purpose of
20 performing work that needs to be done to accomplish the daily work of the department or
21 division. The appointment may last up to one year and may be extended, with review by the
22 Director, due to special circumstances. If an employee with a pay range prefixed by an "X"

1 or "N" is appointed as a new crew leader, they shall receive an increase in compensation of
2 one step above their current rate of pay, or three and one-half percent if at step J. The
3 appointment must be approved by the Director in whatever form he or she may require.

4 Section 3. That Section 2.76.380 of the Lincoln Municipal Code be amended
5 to read as follows:

6 **2.76.380 Sick Leave with Pay.**

7 Subsections (a) through (f) shall apply to employees not represented by a bargaining
8 unit.

9 (a) Amount. Sick leave shall be earned by each employee at the factored hourly
10 equivalent of eight hours for each full month of service or twelve hours for each full month
11 of service for an employee with a pay range prefixed by "M" who works a fifty-six hour work
12 week. Earnings shall be computed only for those hours when an eligible employee is in a pay
13 status, excluding overtime.

14 (b) When taken. Sick leave will be paid only when an employee is unable to
15 perform work duties due to actual personal illness, noncompensable bodily injury, pregnancy,
16 or disease, exposure to contagious disease under circumstances in which the health of other
17 employees or the public would be endangered by attendance on duty, or to keep a medical
18 or dental appointment and for no other reason. A sick leave pay account will be established
19 and funds appropriated for that reason only. Sick leave with pay is intended to be paid on
20 account of sickness rather than a continuation of salary.

21 Sick leave must be earned before it can be granted, and advancing sick leave is
22 prohibited. An employee may utilize no more than his accrued balance of sick leave. When

1 an employee finds it necessary to be absent for any of the reasons specified herein, the
2 employee shall cause the facts to be reported to his department head in accordance with
3 departmental rules and regulations.

4 Sick leave shall be earned, but not be granted, during the probationary period occurring
5 after original appointment. An employee must keep his department head informed of his
6 condition. This shall be on a daily basis unless waived by the department head or designated
7 representative. An employee may be required by the Personnel Director to submit a medical
8 certificate for any absence. Failure to fulfill these requirements may result in denial of sick
9 leave. No refund of vacation time shall be allowed due to illness incurred while on vacation
10 leave. Sick leave shall not accrue during any period of leave of absence without pay.

11 (c) Accumulated sick leave. ~~Unused sick leave may be accumulated to a total of~~
12 ~~1,920 hours for an employee with a pay range prefixed by "E" or "M", or 2,880 hours for an~~
13 ~~employee with a pay range prefixed by "M" who works a fifty-six hour work week.~~

14 ~~—————The accumulation of unused sick leave is unlimited for an employee with a pay~~
15 ~~range prefixed by "A", "C", "N" or "X".~~

16 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee
17 with a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid one-half
18 of his accumulated sick leave ~~up to a maximum of 620 hours. An employee with a pay range~~
19 ~~prefixed by "M" who works a fifty-six hour work week shall be paid one-half of his~~
20 ~~accumulated sick leave up to a maximum of 930 hours.~~ The rate of payment shall be based
21 upon the employee's regular hourly rate of pay at the time the employee retires, is laid off, or
22 at the time of the employee's death.

1 Upon retirement, death or reduction in force, an employee with a pay range
2 prefixed by ~~"A", "C", "N"~~ or "X", or the employee's beneficiary, shall be paid one-fourth of
3 his accumulated sick leave. The rate of payment shall be based upon the employee's regular
4 hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's
5 death.

6 Upon retirement, death or reduction in force, an employee with a pay range
7 prefixed by "A" or "C", or the employee's beneficiary, shall be paid one-half of his
8 accumulated sick leave up to a maximum of 650 hours. The rate of payment shall be based
9 upon the employee's regular hourly rate of pay at the time the employee retires, is laid off, or
10 at the time of the employee's death.

11 (e) An employee with a pay range prefixed by "E", "M", "A", or "C" may be granted
12 time off for a maximum of forty hours in each calendar year for illness in the employee's
13 immediate family. An employee with a pay range prefixed by "M" who works a fifty-six hour
14 work week may be granted time off for a maximum of sixty hours in each calendar year for
15 illness in the employee's immediate family. Immediate family will also include any other
16 family member, whether it be by blood, marriage, legal adoption, or foster children, residing
17 in the household. Such time off will be deducted from the employee's accumulated sick
18 leave. Upon written request from an employee in the above-referenced pay ranges, the
19 Personnel Director may waive the forty or sixty hour limit after reviewing the individual
20 circumstances in support of the request.

21 (f) An employee with a pay range prefixed by "N" or "X" may be granted time off
22 for a maximum of forty hours in each calendar year for illness in the employee's immediate

1 family. For purposes of this subsection (f), the term immediate family shall include the
2 employee's mother, father, sister, brother, husband, wife, child, foster child, mother-in-law,
3 father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild,
4 grandparent, grandchild, and the grandparent of the employee's spouse, or any other relative
5 residing in the household. Such time off will be deducted from the employee's accumulated
6 sick leave. Upon written request from an employee in the above-referenced pay ranges, the
7 Personnel Director may waive the forty hour limit after reviewing the individual circumstances
8 in support of the request.

9 Section 4. That Section 2.76.475 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **2.76.475 Grievance Procedure.**

12 (a) Statement of policy. It shall be the policy of the City of Lincoln to give regular
13 employees an opportunity to discuss their grievances with the city in order to find mutually
14 satisfactory solutions as rapidly as possible. The grievance procedure set forth herein is
15 designed to preserve harmony and friendly relations between the city and its employees.
16 Furthermore, the grievance procedure is to provide a just and equitable method for the
17 resolution of grievances without discrimination, coercion, restraint, or reprisal against any
18 employee who may submit or be involved in a grievance. The grievance procedure shall not
19 be used to change any provisions of the personnel code, municipal ordinances, or filed for the
20 purpose of getting an established policy, standard, or procedure changed. Employees
21 represented by collective bargaining units or agents shall be required to use the grievance
22 procedures provided for under the terms of their agreement.

1 (b) Definition. A grievance shall mean any disagreement concerning the
2 interpretation or application of the specific and expressed provisions or terms of the City
3 Personnel Code or applicable municipal ordinances relating to compensation, working
4 conditions, or fringe benefits but disagreements relating to the substantive terms or provisions
5 of those ordinances or the personnel code shall not be considered grievances.

6 (c) Form. In reducing a grievance to writing, the following information must be
7 stated with reasonable clearness: The exact nature of the grievance, the act or acts of
8 commission or omission, the exact date of the act or acts of commission or omission, the
9 identity of the party or parties who claim to be aggrieved, the identity of the party or parties
10 alleged to have caused the grievance, the specific provisions of the City Personnel Code or
11 municipal ordinances that are alleged to have been violated, and the remedy which is sought.

12 (d) Employee procedure. The city urges all employees to raise any matters of
13 disagreement or any suggestions with their immediate supervisor in order to informally resolve
14 as many matters as possible. In the event that satisfactory settlement is not or cannot be
15 reached under such a procedure, grievances shall be processed in the following manner:

16 (1) Step One. Any regular employee having a grievance, or the employee's
17 designated representative, shall first present the grievance orally to the employee's division
18 supervisor or the supervisor's designated representative within ~~five~~ fifteen working days after
19 its occurrence. The supervisor shall then attempt to adjust the matter and shall respond to the
20 employee or designated representative within ~~five~~ fifteen working days after the presentation
21 of the grievance.

1 (2) Step Two. If satisfactory settlement is not reached under Step One, the
2 grievance shall be presented by the employee or the employee's designated representative to
3 the employee's department head in writing within ~~five~~ fifteen working days after the expiration
4 of the time limit set forth in Step One above. The department head shall issue a written
5 decision to the employee or the employee's designated representative within ~~five~~ fifteen work-
6 ing days from the date of receipt of the grievance.

7 (3) Step Three. If satisfactory settlement is not reached under Step Two, the
8 employee or the employee's designated representative shall resubmit the grievance described
9 in Step One above in writing within ~~five~~ fifteen working days of receipt of the response from
10 the department head as outlined under Step Two above to the Personnel Director or the
11 director's designated representative for submission to the Personnel Board. The Personnel
12 Board shall hold a hearing with the employee or the employee's designated representative
13 within twenty-five working days, or as soon as reasonably possible, after the receipt of the
14 grievance in an attempt to settle the grievance. The Personnel Board shall transmit a written
15 answer to the employee or the employee's designated representative within ~~five~~ fifteen
16 working days after such meeting. The decision of the Personnel Board shall be final and
17 binding upon the appointing authority.

18 Section 5. That Sections 2.76.153, 2.76.200, 2.76.380, and 2.76.475 of the
19 Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

1 Section 6. That this ordinance shall take effect and be in force from and after
2 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2003:

Mayor